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## APPENDIX A

### *Federal Register* Notices and Newspaper Notice

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**SUMMARY:** The Department of the Interior, Bureau of Reclamation (Reclamation), announces its intention to prepare environmental documents under section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, as amended, to assist in developing proposed modifications to previous Central Arizona Project (CAP) water allocations.

We anticipate that we will reallocate and offer contracts with certain quantities of CAP water in connection with (1) settlement discussions arising out of operation of the CAP; (2) settlement discussions arising out of legal claims involving the Gila River Indian Community and the San Carlos Indian Community, and (3) negotiations regarding implementation of the 1982 Southern Arizona Water Rights Settlement Act.

At present it is not clear whether the scope of the action and anticipated project impacts will require preparation of an environmental impact statement (EIS) or an environmental assessment (EA). However, to ensure a timely and appropriate level of NEPA compliance and to limit potential future delays to the proposed reallocation and contract actions, Reclamation is proceeding, at this time, as if the project impacts would require preparation of an EIS. Reclamation will reevaluate the need for an EIS after obtaining comments on the proposed action and analysis of alternatives and impacts during the NEPA process. Reclamation will publish a notice of cancellation if, as a result of additional information or analysis, a decision is made to prepare an EA rather than an EIS.

**DATES:** Comments must be received August 30, 1999.

**ADDRESSES:** Send written comments concerning the proposal to Mr. Bruce Ellis, Environmental Program Manager, Bureau of Reclamation, PO Box 81169, Phoenix, Arizona, 85069-1169. Written comments received by the Bureau of Reclamation become part of the public record associated with this action. Accordingly, such comments will be available to requestors of information associated with this Notice pursuant to the Freedom of Information Act.

**FOR FURTHER INFORMATION CONTACT:** Mr. Bruce Ellis, at (602) 216-3854.

**SUPPLEMENTARY INFORMATION:**

**Background**

We have been engaged in active negotiations with a variety of parties in Arizona that have an interest in the CAP, including the operator of the CAP (the Central Arizona Water Conservation District), the Arizona Department of

Water Resources, Indian Tribes, and other water users. The current negotiations contemplate that the Secretary will undertake a reallocation of CAP water to assist in the resolution of outstanding Indian water rights claims, and to provide greater certainty to all users of CAP water. If the settlement goes forward, we anticipate that the proposed reallocation of CAP water would constitute a final allocation of water for the CAP system.

*Purpose and Need for Action*

The purpose and need of the proposed federal action is to implement settlement of ongoing litigation over the operation of the CAP, the status of CAP project water, and to assist in the resolution of outstanding Indian water rights claims. The United States intends that the final allocation of CAP water under the terms of the settlement will facilitate use of CAP water in satisfaction of the goals and purposes of the CAP authorizing legislation (i.e. the Colorado River Basin Project Act of 1968).

*The Proposed Federal Action*

Through the efforts of all parties to these negotiations, significant progress has been made on many matters involving operation and administration of the CAP and a general agreement on the details of the likely scenario regarding the reallocation of CAP water has emerged. Reclamation intends to undertake the environmental review that needs to be completed in order to facilitate the timely implementation of reallocations that are contemplated by the proposed settlement. Because of the lead time needed to complete the environmental review prior to reallocating, Reclamation is initiating the review at this time. In connection with the environmental analysis, Reclamation will analyze the proposed reallocation of CAP water that has been the subject of extensive discussion among the parties as the proposed federal action. This analysis does not preclude, of course, additional adjustments to the final reallocations depending upon the course of negotiations. Accordingly, pursuant to this notice, Reclamation is announcing its intention to undertake an environmental review of allocating and offering contracts for additional CAP water as follows:

1. Reallocation of an additional 200,000 acre feet of CAP water for Indian Water Rights Settlement Purposes. This water would retain its former priority status as "Non-Indian Agricultural" priority water. Of this amount, 102,000 acre feet of CAP water

**DEPARTMENT OF THE INTERIOR**

**Office of the Secretary**

**Allocation of Water Supply and Expected Long-Term Contract Execution, Central Arizona Project, Arizona**

**AGENCY:** Office of the Secretary, Interior.

**ACTION:** Notice.

would be allocated and contracted to the Gila River Indian Community; 78,200 acre feet of CAP water would be allocated and contracted to the Tohono O'odham Nation; and a residual amount of 69,800 would be available for allocation and contracting by the Secretary for use in facilitating additional, future Indian Water Rights Settlements.

2. 17,800 acre feet of the CAP water permanently relinquished by the Harquahala Valley Irrigation District (HVID) would be allocated and contracted to the Gila River Indian Community. This water has the priority of "Indian" priority CAP water.

3. All remaining, (approximately 18,600 acre feet) CAP water permanently relinquished by the Roosevelt Water Conservation District, would be allocated and contracted by the Gila River Indian Community. This water would retain its "Non-Indian Agricultural" CAP priority.

4. 17,000 AF of CAP water expected to be permanently relinquished by ASARCO Incorporated, would be allocated and contracted by the Gila River Indian Community. This water would retain its "M&I" CAP priority.

5. 65,647 acre feet of M&I priority water would be allocated and contracted to various municipalities and other entities within the CAP service area. This water would retain its "M&I" CAP priority. Identification of entities, and associated specific quantities for this water would be made after consultation between the Secretary and the State of Arizona (Arizona). It is anticipated that further, specific, NEPA compliance would be undertaken after Arizona has identified the entities it proposes should receive allocations of this "M&I" priority CAP water, and completion of the consultation between the Secretary and Arizona on this matter.

As part of the proposed action Reclamation will consider all provisions of the settlements currently under negotiation, including provisions under consideration in the potential settlement of the *Central Arizona Water Conservation District v. United States* litigation, in which, as noted above, settlement discussions are currently in progress.

#### *Range of Alternatives*

In addition to the above-described proposed action (i.e. the settlement approach), Reclamation will implement NEPA requirements by identifying, reviewing and evaluating additional alternatives as part of its NEPA analysis. These alternative analyses will include alternatives that would address alternative allocation and contracting

scenarios that could involve Non-Indian Agricultural priority water, Indian priority water, and M&I priority water. Reclamation will also include alternative allocation and contracting scenarios that could be undertaken in the absence of a settlement as part of its NEPA analysis.

#### **Authority**

The Secretary has the authority to contract for supplies of Central Arizona Project water under the Act of June 17, 1902, 32 Stat. 388, as amended and/or supplemented, including specifically the Colorado River Basin Project Act of September 30, 1968 (82 Stat. 885, 43 U.S.C. 1501 *et seq.*).

#### **Prior Efforts**

Allocation of CAP project water has been the subject of previous notices published in the **Federal Register** (See, e.g., 37 FR 28082, December 20, 1972; 40 FR 17297, April 18, 1975; 41 FR 45883, October 18, 1976; 45 FR 52938, August 8, 1980; 45 FR 81265, December 10, 1980; 48 FR 12446, March 24, 1983; 56 FR 29704, June 28, 1991; 57 FR 4470, February 5, 1992; and 57 FR 483884, October 23, 1992).

**Bruce Babbitt,**

*Secretary of the Interior.*

[FR Doc. 99-19558 Filed 7-29-99; 8:45 am]

**BILLING CODE 4310-10-M**

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**DEPARTMENT OF THE INTERIOR****Bureau of Reclamation****Allocation of Water Supply and Expected Long-Term Contract Execution, Central Arizona Project, Arizona**

**AGENCY:** Bureau of Reclamation, Interior.

**ACTION:** Notice of intent and public scoping meetings.

**SUMMARY:** Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, and the Council on Environmental Quality's Regulations for Implementing the Procedural Provisions of NEPA, the Bureau of Reclamation (Reclamation) proposes to prepare an environmental impact statement (EIS) concerning proposed modifications to previous Central Arizona Project (CAP) water allocation decisions. Reclamation is initiating public scoping for the proposed NEPA document and will be conducting scoping meetings pursuant to section 102(2)(C) of NEPA.

The Department anticipates it will reallocate and offer contracts for certain quantities of CAP water in connection with (1) settlement discussions arising out of operation of the CAP; (2) settlement discussions arising from legal claims involving the Gila River Indian Community (GRIC) and the San Carlos Apache Tribe (San Carlos); and (3) negotiations regarding implementation of the 1982 Southern Arizona Water Rights Settlement Act.

**DATES:** Three scoping meetings will be held to solicit comments on issues that should be addressed in the EIS:

September 14, 1999, from 1:00–3:30 p.m.

**National YWCA Leadership**

Development Center, 9440 N. 25th Avenue, Phoenix, Arizona 85021–2789.

September 15, 1999 from 6:30–9:00 p.m.  
Francisco Grande Resort Ballroom,  
26000 Gila Bend Highway, Casa Grande, Arizona 85222.

September 16, 1999, from 1:00–3:30 p.m.

Tucson Community Center, Maricopa-Mojave Room, 260 S. Church, Tucson, Arizona 85701.

At each meeting, Reclamation will make a short presentation. Oral comments from the audience will then be accepted. A court reporter will prepare a written record of all comments made.

Hearing impaired, visually impaired, and/or mobility impaired persons planning to attend the meeting(s) may arrange for necessary accommodations by calling Ms. Janice Kjesbo (602–216–3864; fax 602–216–4006) no later than August 30, 1999.

**ADDRESSES:** Send written comments concerning the proposal to Mr. Bruce Ellis, Environmental Program Manager, Phoenix Area Office, Bureau of Reclamation, P.O. Box 81169, Phoenix Arizona, 85069–1169. To be most helpful, comments should be received by September 27, 1999. Written comments received by Reclamation become part of the public record associated with this action. Accordingly, such comments (including name, address, or telephone information shown on written correspondence) will be available to requestors of information through the Freedom of Information Act.

**FOR FURTHER INFORMATION CONTACT:** Questions concerning the process, the proposed action or alternatives, or this notice should be directed to Ms. Sandra Eto, Environmental Resource Management Division, Phoenix Area Office, Bureau of Reclamation, P.O. Box 81169, Phoenix, Arizona 850689–1169; telephone (602) 216–3857. To be placed on a mailing list for any subsequent information, please write or telephone Ms. Janice Kjesbo, Environmental Resource Management Division, Phoenix Area Office (see address above), telephone (602) 216–3854 or fax (602) 216–4006.

**SUPPLEMENTARY INFORMATION:** Reclamation proposes to modify existing allocations of CAP water under terms consistent with ongoing settlement discussions regarding operation of the CAP, the status of CAP water, and resolution of outstanding Indian water rights claims. In connection with preparation of the EIS,

Reclamation will analyze the environmental consequences of a proposed action that allocates and offers contracts for CAP water. This action is consistent with contemplated reallocation of CAP water that has emerged from extensive discussions among settlement parties. Environmental analysis of the proposed reallocation does not preclude additional adjustments being made to the final reallocations, depending upon the course of negotiations.

In addition to the proposed action (i.e. reallocation of CAP water based upon current settlement negotiations), Reclamation intends to develop and evaluate alternative allocation scenarios as part of its NEPA analysis. These "action" alternatives will identify other reallocation and contracting scenarios the Secretary of the Interior (Secretary) could implement in the absence of settlement. Thus far, three alternative reallocation scenarios are being considered for inclusion in the EIS. These alternatives could be modified, and/or other alternatives developed based upon input received during the scoping period.

CAP water, estimated for these purposes to be 1,415,000 acre-feet<sup>1</sup> (AF) of primarily Colorado River water available for use within the Project service area, is divided into three basic categories. The majority of the water in each of these categories has been allocated and contracted; however, some in each category remains unallocated and/or uncontracted. The categories can be described as follows: Water previously allocated for use by municipal and industrial (M&I) entities (620,678 AF); water allocated for "Federal purposes" (453,224 AF, the great majority of which is under contract to Indian tribes);<sup>2</sup> and water previously allocated for use by non-Indian agricultural (NIA) districts, consisting of the CAP water supply that remains after water in the other two categories has been contracted (for the purposes of this notice, the amount of water in this NIA category is estimated to be 341,098 AF<sup>3</sup>). The following are

assumed to occur or pertain to the proposed action and all three action alternatives currently under consideration:

a. 17,800 AF of Indian priority water would be allocated and contracted to GRIC. This represents CAP water that was previously allocated and contracted to the Harquahala Valley Irrigation District (HVID) but relinquished in 1992 to the Secretary for use in the settlement of water rights claims of Indian tribes having claims to the water in the Salt and Verde River system (which is already included in the "Federal purposes" category);

b. an estimated 18,600 AF of NIA priority water would be allocated and contracted to GRIC, in accordance with the "Settlement Agreement Among the Gila River Indian Community, Roosevelt Water Conservation District, and the United States of America (May 10, 1999)." This represents CAP water previously allocated and contracted to the Roosevelt Water Conservation District but relinquished in 1992 to the Secretary to hold for the use and benefit of GRIC (which is already included in the "Federal purposes" category);

c. 17,000 AF of M&I category water previously allocated to ASARCO, Inc., that is anticipated to be voluntarily assigned to GRIC as part of a settlement of GRIC water rights claims;

d. the NIA category includes an estimated 43,654 AF that has been or is anticipated to be assigned to several cities within Maricopa County through agreements with the Hohokam Irrigation and Drainage District (HIDD); and

e. with the exception of the water previously allocated to HVID, all CAP water would retain its current priority (which determines the order of priority in reducing deliveries during times of shortages on the Colorado River).

**Proposed Action and Action Alternatives.** Following are descriptions of actions—in addition to those identified above—that are contemplated to occur under the proposed action and the three alternatives currently being considered:

#### A. Proposed Action

1. Water allocated for M&I use would total 603,678 AF (which represents 620,678 AF less 17,000 AF of ASARCO water described in "c" above). An

settlement parties disagree on the exact numbers associated with water in this category. These differences are due to the order of the calculations made and other assumptions used. Use of specific numbers in this notice is not meant to imply a degree of precision that does not exist, and it should be noted the various amounts of water attributed to the NIA category in this notice are estimates for purposes of describing alternative reallocation scenarios.

amount of 65,647 AF within this category, that is currently uncontracted, would be reallocated to M&I entities after consultation with the State of Arizona, Department of Water Resources (ADWR). CAP M&I water service subcontracts would be offered to these allottees.

2. Water allocated for NIA use would be reduced by an estimated 200,000 AF. This water would be reallocated for Federal purposes. Of the estimated 141,098 AF remaining in the NIA category, 97,444 AF would be reserved for use by non-Indian agricultural or M&I entities under a process to be developed. The remaining 43,654 AF represents the water associated with HIDD that has been or is anticipated to be assigned to several Maricopa County cities (see "d" above).

3. Water allocated for Federal purposes would be increased by an estimated 200,000 AF from reallocation of water from the NIA category described in A.2. above. This water would be contracted as follows: 102,000 AF to GRIC; 28,200 AF to the Tohono O'odham Nation; and 69,800 AF reserved by the Secretary for use in facilitating future Indian water rights settlements.

#### B. Alternative #1

1. Water in the M&I category would be handled the same as under the Proposed Action. The 65,647 AF that is currently uncontracted would be reallocated and contracted as described under the Proposed Action.

2. The amount of water in the NIA category would not change from present conditions (estimated for purposes of this action to be 341,098 AF); however, an estimated 112,578 AF of water in this category would be made available for use by non-Indian agricultural and/or M&I entities under a process to be developed. This amount is an estimate of that portion of water within the NIA category for which allocations were made in 1983, but for which no contracts were executed. No change in status would occur to the remaining estimated 228,520 AF in the NIA category.

3. An estimated amount of 1,518 AF of Indian priority water already held for Federal purposes (originally allocated to HVID) would be allocated and contracted to the Tonto Apache and Camp Verde Apache tribes.

#### C. Alternative #2

1. Water allocated for M&I use would be reduced by 65,647 AF, the amount within this category that is currently uncontracted. This water would be reallocated for Federal purposes (see

<sup>1</sup> The 1,415,000 acre-foot amount is an agreed to approximation of the number of acre-feet of Colorado River water available in a normal year for diversion and use by the CAP, after deducting estimated system losses.

<sup>2</sup> In a Federal Register notice (48 FR 12446, March 24, 1983), the Secretary allocated 638,823 AF of CAP water for M&I purposes, and 309,828 AF of CAP water to Indian tribes in central Arizona. Subsequent settlements of Indian water rights and reallocations of CAP water increased the total water for "Federal purposes" to 453,224 AF—18,145 AF of which came from the M&I category.

<sup>3</sup> The calculation of amounts of water with regard to the NIA category varies; analysts among the

C.3. below). The water remaining in this category would be 538,031 AF (which includes a reduction of 17,000 acre-feet of ASARCO water; see "c" above).

2. Water allocated for NIA use would be reduced by an estimated 28,665 AF. This estimate represents NIA water previously allocated to Queen Creek Irrigation District (ID), Chandler Heights Citrus ID, San Tan ID and Tonopah ID. In addition, as in Alternative #1, an estimated 112,578 AF of water would be made available for use by non-Indian agricultural and/or M&I entities under a process to be developed. No change in status would occur to the remaining estimated 199,855 AF in this category.

3. The amount of CAP water available for Federal purposes would be increased by an estimated 94,312 AF as a result of the reallocations described in C.1 and C.2 above. The 65,647 AF from the M&I category would be contracted as follows: 20,000 AF to GRIC; 28,200 AF to Tohono O'odham Nation; 3,947 AF to

San Carlos; and 13,500 AF to the Navajo and Hopi tribes. The estimated 28,665 AF from the NIA category would be contracted as follows: 9,000 AF to GRIC; and an additional 19,665 AF to San Carlos. In addition, as in Alternative #1, an estimated amount of 1,518 AF already held for Federal purposes would be allocated and contracted to the Tonto Apache and Camp Verde Apache tribes.

#### D. Alternative #3

1. Changes to amounts of water in the M&I category would be as described in Alternative #2.

2. Water allocated for NIA use would be reduced by an estimated 297,444 AF. An estimated 43,654 AF associated with HIDD would remain in this category (see "d" above).

3. The amount of water available for Federal uses would be increased by an estimated 272,091 AF as a result of the reallocations described in D.1 and D.2 above. The 65,647 AF from the M&I

category would be contracted as under Alternative #2 (20,000 AF to GRIC; 28,200 AF to Tohono O'odham Nation; 3,947 AF to San Carlos; and 13,500 AF to the Navajo and Hopi tribes). An estimated 206,444 AF reallocated from the NIA category would be distributed as follows: 82,000 AF would be contracted to GRIC, and 124,444 AF would be reserved by the Secretary for future Federal purposes. As in Alternatives #1 and #2, an estimated 1,518 AF would be allocated and contracted to the Tonto Apache and Camp Verde Apache tribes.

4. The remaining 91,000 AF of water reallocated from the NIA category described in D.2 above would be reserved by the Secretary for as yet to be determined non-Federal users.

Following is a table that summarizes the estimated total number of AF that would comprise each pool of CAP water, by alternative:

Cap water category	Current condition	Proposed action	Alternative #1	Alternative #2	Alternative #3
M&I category .....	620,678	603,678	603,678	538,031	538,031
NIA category .....	341,098	141,098	341,098	312,433	43,654
Held for "Federal purposes" .....	453,224	670,224	470,224	564,536	742,315
Held for "non-Federal purposes" .....					91,000
Total (in AF): .....	1,415,000	1,415,000 AF	1,415,000	1,415,000	1,415,000

In addition to the proposed action and the three action alternatives, Reclamation will also evaluate environmental consequences that are anticipated to occur in the absence of the proposed action (the no Federal action). By definition, the no Federal action alternative means that no water would be reallocated and no new contracts would be signed. Currently, uncontracted water from the previous CAP allocations, including 65,647 AF of M&I category water, and that portion of the NIA pool which has either been declined (about 112,578 AF) or considered to be relinquished (subject to Secretarial consent) from four non-Indian irrigation districts (about 28,665 AF), is delivered by the Central Arizona Water Conservation District to entities through two-party excess water agreements. The United States is challenging these agreements in ongoing litigation regarding operation of the CAP. For purposes of this analysis it is assumed that under the no Federal action scenario, this practice would continue pending resolution of the ongoing litigation.

Reclamation is circulating this notice in anticipation of considerable public interest and the need to ensure that all

relevant issues are evaluated in the EIS. Reclamation will consult other Federal, State, and local agencies with specific expertise regarding environmental impacts related to the project.

Dated: August 20, 1999.

**Robert Johnson,**

*Regional Director.*

[FR Doc. 99-22195 Filed 8-25-99; 8:45 am]

**BILLING CODE 4310-04-P**

## **CENTRAL ARIZONA PROJECT WATER REALLOCATION PUBLIC SCOPING MEETINGS**

### **PURPOSE**

Reclamation will prepare an environmental impact statement (EIS) covering proposed modifications to previous allocations of CAP water to municipalities, agricultural districts and Indian tribes. Reclamation will hold three meetings to obtain public input regarding alternatives to be considered, issues to be addressed, and resource impacts to be evaluated in the EIS. You are invited to attend these meetings, which will be held September 14-16, 1999 (see below).

Under the proposed action, Reclamation would implement final allocation of CAP water consistent with terms of a settlement currently being considered by Reclamation, Central Arizona Water Conservation District, Arizona Department of Water Resources, non-Indian irrigation districts, and several Indian tribes. The EIS will also include alternative allocation scenarios that could be undertaken in the absence of settlement. Pursuant to the National Environmental Policy Act, as amended, Reclamation requests public input regarding the range of alternatives being considered and scope of issues and impacts that should be addressed in the EIS. An information packet containing additional information on the allocation alternatives currently being considered may be obtained by contacting Ms. Janice Kjesbo at Reclamation's Phoenix Area Office, PO Box 81169, Phoenix, AZ 85069-1169 (602-216-3864; or fax 602-216-4006).

### **WHEN & WHERE**

<b><u>PHOENIX AREA</u></b>	<b><u>CASA GRANDE AREA</u></b>	<b><u>TUCSON AREA</u></b>
September 14, 1999 1:00-3:30 p.m. National YWCA Leadership Development Center 9440 N. 25th Avenue Phoenix, Arizona	September 15, 1999 6:30-9:00 p.m. Francisco Grande Resort Ballroom 26000 Gila Bend Highway Casa Grande, Arizona	September 16, 1999 1:00-3:30 p.m. Tucson Community Center Maricopa-Mojave Room 260 S. Church Tucson, Arizona

At each meeting, Reclamation will make a short presentation. Oral comments from the audience will then be accepted. A court reporter will prepare a written record of all comments made.

Hearing impaired, visually impaired, and/or mobility impaired persons planning to attend this meeting may arrange for necessary accommodations by calling Ms. Kjesbo (602-216-3864; fax 602-216-4006) no later than August 30, 1999.

Written comments will also be accepted. To ensure consideration, please send them by September 24, 1999, to Mr. Bruce Ellis, Chief, Environmental Resource Management Division, Reclamation Phoenix Area Office, PO Box 81169, Phoenix AZ 85069-1169. Written comments received by Reclamation become part of the public record associated with this action, and will be available to requestors of information through the Freedom of Information Act.

Table 1. Newspapers in which notice of the public scoping meetings was published

<b>NEWSPAPER</b>	<b>Date Published</b>
Arizona Daily Star, Tucson	08/26/99
Arizona Daily Sun, Flagstaff	08/27/99
Arizona Republic, Phoenix	08/26/99
Arizona Silver Belt, Globe/Miami	09/01/99
Casa Grande Dispatch, Casa Grande	08/26/99
Coolidge Examiner, Coolidge	09/01/99
Copper Country News, Globe/Miami	08/31/99
Green Valley News & Sun, Green Valley	08/27/99
Navajo Times, Window Rock/Navajo Nation	08/26/99
Navajo-Hopi Observer, Flagstaff/Navajo-Hopi	09/01/99
Payson Roundup, Payson	08/31/99
San Carlos Moccasin, Globe/Miami	09/01/99
Sierra Vista Herald, Sierra Vista	08/27/99
Tribune Newspapers, East Maricopa County	08/26/99
Tucson Citizen, Tucson	08/26/99
Verde Independent, Cottonwood/Camp Verde	08/27/99